

(Group II) recites a computer-based method comprising the steps of automatically maintaining an electronic contract that contains information pertaining to descriptions of one or more business transactions in IT terms, financial implications of one or more business transaction service levels, and reporting to be performed in one or more financial terms, and automatically measuring the operation of the IT system in terms of one or more business metrics based on the electronic contract.

Thus, claim 1 (Group I) recites apparatus for performing the same steps that are recited in claim 25 (Group II). To state that "the apparatus as claimed [in claim 1] can be used to practice another materially different method," as the Examiner suggests, is to ignore the express limitations of the claimed apparatus, i.e., the steps that the processor of claim 1 is operative to perform - which are the same as those recited in method claim 25.

For at least the above reasons, withdrawal of the restriction requirement is respectfully requested.

In addition, given the above remarks, Applicants believe that claims 1-39 are searchable in the same search effort and, therefore, should not be subject to restriction.

In the event the outstanding restriction requirement is not withdrawn, Applicants hereby elect with traverse the claims of Group I, i.e., claims 1-24, for prosecution on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written over the printed name.

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: August 31, 2006